



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,900	06/26/2001	Kenneth W. Rake	IFLOW.2CP2F3C1	2814
20995	7590	07/12/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			REICHLE, KARIN M	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,900

Applicant(s)

RAKE ET AL.

Examiner

Karin M. Reichle

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) 18,20-22 and 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19 and 23-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892).
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4-23-04 has been entered.

Election/Restrictions

2. Claims 18, 20-22 and 25-27 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11-6-02.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Priority

4. The Petition filed 5-1-04 has been granted. Therefore the priority benefit claim filed 8-1-03 has been entered. The effective filing date of claims 14-17, 19 and 23-24 is deemed 1-24-92.

Claim Language Interpretation

5. It is noted that none of the claim language has been specifically defined. Therefore the terms of the claim will be given their common, i.e. dictionary, definition as is consistent with the specification. "Platen" as defined from the dictionary is "One of the two flat members of the printing press that serves to position the paper and hold it against the inked type". Since this is not consistent with the specification, "platen" will be interpreted as a member which is capable of exerting pressure. See discussion of Applicant's arguments infra also.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 14-17, 19 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bessesen, '946.

See Figure 1, 1 and 3 are threadably engaged shells of generally circular outer shape, "platen", see Claim Interpretation section supra, is 7 with nonplanar surface 9 which is "complementary", see discussion of Applicant's remarks infra, to inner surface of shell 1 adjacent 2, 14 is a spring fastened to shell 3. With regard to the language of lines 1, 7-8, i.e.

Art Unit: 3761

"said space...therein", and last three lines of claim 1, similar language in claims 19 and 23 and line 1 of claim 23, such language recites function, properties or capabilities of the structure recited in the claim. The Bessesen patent includes such claimed structure. Therefore there is sufficient factual basis for one to conclude that the function, properties or capabilities of the claimed structure are also inherent in the same structure of Bessesen. See MPEP 2112.01.

8. Claims 14-17, 19 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by LeFevre, '420.

See Figures 1 and 2, 20 and 23 are threadably engaged shells of generally circular outer shape, "platen", see Claim Interpretation section supra, is 24 with nonplanar surface 26 which is "complementary", see discussion of Applicant's remarks infra, to inner surface of shell 23, 27 is a spring attached to, i.e. engaged with, platen 24. With regard to the language of lines 1, 7-8, i.e. "said space...therein", and last three lines of claim 1, similar language in claims 19 and 23 and line 1 of claim 23, such language recites function, properties or capabilities of the structure recited in the claim. The LeFevre patent includes such claimed structure. Therefore there is sufficient factual basis for one to conclude that the function, properties or capabilities of the claimed structure are also inherent in the same structure of LeFevre. See MPEP 2112.01.

9. Claims 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Du Brau '902.

See Figures 1 and 2, A and B are threadably engaged shells of generally circular outer shape, "platen", see Claim Interpretation section supra, is F with a nonplanar surface 26 which is "complementary", see discussion of Applicant's remarks infra, to inner surface of shell B, G is a spring attached to platen F. With regard to claim 24, the bag is E and it is connected to an outlet

Art Unit: 3761

tube C. The claim does not require a direct connection between the bag and the tube. See also lines 66-90 of page 1. With regard to the language of lines 1 of claims 23-24, such language recites function, properties or capabilities of the structure recited in the claim. The Du Brau patent includes such claimed structure. Therefore there is sufficient factual basis for one to conclude that the function, properties or capabilities of the claimed structure are also inherent in the same structure of Du Brau. See MPEP 2112.01.

Double Patenting

10. The terminal disclaimer filed 4-23-04 is deemed proper.

Response to Arguments

11. Applicant's remarks with regard to matters of form have been noted but are deemed moot in that the issues discussed has not been reraised. Applicant's remarks with regard to the prior art except for Bessesen are deemed moot at this time in that such have not been reraised. Applicant's remarks on pages 15-16 with regard to Bessesen have been considered but are deemed not persuasive because such arguments are narrower the claim language. Specifically, e.g., the claims do not require substantially complete delivery of fluid, or relative constant contact area between the bag and platen. Also Applicants have not specifically defined the word "complementary" and thereby the usual or common definition thereof applies, i.e. "forming or serving as a complement, completing". The surfaces of Bessesen while not identical or substantially identical in shape as Applicant infers the term "complementary" to mean, do complete or complete each other. Attention is also directed to page 14, lines 17-21 of the instant

Art Unit: 3761

specification in which it is clearly pointed out that "exact" conformation of the platen to the contour of the chamber bottom is not necessary, i.e. can "roughly" match. Furthermore, with regard to Applicant's argument that the dictionary definition of "platen" is a "plate-like member, especially one that exerts pressure", as noted above that is not what the dictionary defines platen as nor has such a definition been made explicit in the instant specification. Furthermore, such a definition would be inconsistent with the description of the platen as defining a "non-planar surface" in claims 14, 19 and 23 as a plate as defined by the dictionary is "a smooth, flat, relatively thin, rigid body of uniform thickness" and thus a "plate-like member" would be flat, i.e. not have a nonplanar surface.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (703) 308-2617. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 308-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K. M. Reichle
Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
July 6, 2004